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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/611,108   | 07/06/2000  | Jose Uemura          | 2705-107            | 4929             |
| 20575  | 7590        | 09/09/2005           | EXAMINER            |                  |
| MARGER JOHNSON & MCCOLLOM, P.C.<br>210 SW MORRISON STREET, SUITE 400<br>PORTLAND, OR 97204 |             |                      | PIZARRO, RICARDO M  |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2662                |                  |
| DATE MAILED: 09/09/2005  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |               |
|------------------------------|-----------------|---------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)  |
|                              | 09/611,108      | UEMURA ET AL. |
| Examiner                     | Art Unit        |               |
| Ricardo Pizarro              | 2661            |               |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 May 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14, 16-21 and 23-54 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 19-21, 23 and 25-54 is/are allowed.

6) Claim(s) 1, 3, 6-9, 16-18, 24 is/are rejected.

7) Claim(s) 2, 4, 5 and 10-14 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: For better reading of the claims, in line 3 , It is suggested to applicant to insert “are” before [to request service for corresponding framer farms].

Claim 23 is objected to because of the following informalities: Because its dependency is unclear. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 6, 8, 9 , 17 and 24 are rejected under U.S.C. 102(e) as being anticipated by US patent No. 6,072,794 ( Kang).

Regarding claim 1, Kang discloses a plurality of framer farms devices (a plurality of line card devices containing framers connected to the line card slots in Fig. 2, col 3 lines 33-34 and 43-44), the farms are adapted to generate a corresponding plurality of signals responsive to a corresponding plurality of signaling events, where the event signals is to request service for corresponding farms (each line card received bits streams through a trunk line and checks the state of the trunk line to output a link state signal LSS, col 3 lines 42-46), an event manager adapted to sequence the plurality of event signals (Unit comprises of elements 220, 230, m and 250. Of these elements Processor 250 in fig. 2 monitors the state of trunk lines, control digital switch 250 and processes the signaling, col 5 lines 61-67)

Regarding claim 6, Kang discloses wherein the event manager comprises an event queue adapted to queue a plurality of event signals (information is **sequentially** stored in memory 515 in Fig. 5, col 5 lines 26-28), a register adapted to maintain a status of the plurality of event signals (signaling information is registered in element 519 in Fig.5).

Regarding claim 8, Kang discloses that the event manager comprises an event register adapted to read the event queue (Function performed by Processor 250 that reads signaling information from element 510 that has previously been sequentially forwarded from memory element 517 in Fig.5, col 5 lines 35-38)

Regarding claim 9, Kang discloses where the event register comprises a framer id field (depending of the type of line card, code ID will be AMI or B8Sz for E1 cards) and HDB3 will be the code id for T1 cards, col 6 lines 19-20 and 27)

Regarding claims 17 and 24 , Kang discloses an event manager (Unit comprises of elements 220, 230 ,m and 250 . Of these elements Processor 250 in fig. 2 monitors the state of trunk lines, control digital switch 250 and processes the signaling, col 5 lines 61-67), an event queue adapted to queue a plurality of event signals ( information is **sequentially** store in memory 515 in Fig. 5, col 5 lines 26-28) , a register adapted to maintain a status of each of the plurality of event signals ( signaling information is registered in element 519 in Fig.5), an event register adapted to read the event queue where the event register comprises a framer farm id ( depending of the type of line card, code ID will be AMI or B8Sz for E1 cards)and HDB3 will be the code id for T1 cards, col 6 lines 19-20 and 27)

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 7 ,16 and 18 are rejected under 35 U.S.C. 103(a) over US patent No. 6,072,794 ( Kang) in view of US patent No. 6,434,161 (Higbee) Kang does not specifically disclose the event queue being circular queues, as in claims 3, 7 and 16.; queue includes a read and write pointer, as in claim 18.

However, Higbee Discloses a Buffering method, comprising queues being circular queues ( col 5 lines 63-67), as in claims 3,7 and 16; said queue having read and write pointers ( col 5 lines 63-67), as in claim 18..

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kang by providing the circular queues so the system has the capability of reusing the bins as the time progresses, therefore system capacity is increased.

The motivation to do so is to reduce the implementation cost of the device

#### ***Allowable Subject Matter***

8. Claims 19-21, 23, 25-54 are allowed.

Claims 2, 4-5,10-14, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

#### ***Conclusion***

9. Applicant's arguments are moot in view of the new grounds of rejection  
For interpretation purposes of the references, Examiner has considered framer farms as frame storage devices.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action (**newly added limitation**- "where the event signals to request service for corresponding farms".) Accordingly, **THIS ACTION IS MADE**

**FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300

.(for formal communications; please mark "EXPEDITED PROCEDURE", for informal or draft communications, please label "PROPOSED" or "DRAFT" )

Hand-delivered responses should be brought to 22- 20<sup>th</sup> Street S, Crystal Plaza Two, Lobby, Room 1B03, Arlington , VA 22202 ( Customer window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is **(571) 272-**

**3077.** The examiner can normally be reached on Monday-Thursday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Hassan Kizou** can be reached on (571) 272-3088.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 3, 2005  
Ricardo Pizarro



HAASSAN KIZOU  
SUPPLYORY PATENT EXAMINER  
ART UNIT 2661  
SEPTEMBER 2600